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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

TSADOK ZIZI,

Plaintiff,

v.

U.S. BANK NATIONAL  
ASSOCIATION AS TRUSTEE FOR  
CREDIT SUISSE FIRST BOSTON, et  
al.,

Defendants.

2:11-CV-1511 JCM (PAL)

**ORDER**

Presently before the court is plaintiff, appearing in proper persona, Tsadok Zizi's motion for a temporary restraining order. (Doc. 2). Defendants have not responded.

According to Federal Rule of Civil Procedure 65, a court may issue a temporary restraining order when the moving party provides specific facts showing that immediate and irreparable injury, loss, or damage will result before the adverse party's opposition to a motion for preliminary injunction can be heard. The Supreme Court has stated that courts must consider the following factors in determining whether to issue a temporary restraining order and preliminary injunction: (1) a likelihood of success on the merits; (2) likelihood of irreparable injury if preliminary relief is not granted; (3) balance of hardships; and (4) advancement of the public interest. *Winter v. N.R.D.C.*, 129 S. Ct. 365, 374–76 (2008).

1 In his motion, plaintiff alleges that any foreclosure on his property is unlawful because the  
2 promissory note has been divorced from the deed of trust. Plaintiff asserts that when these  
3 documents are separated, any security is forfeited, and a foreclosure sale may not proceed. This  
4 argument has been rejected by the Ninth Circuit. *See Cervantes v. Countrywide Home Loans, Inc.*,  
5 – F.3d –, 2011 WL 3911031, \*6-7 (9th Cir. Sept. 7, 2011). Plaintiff's motion provides no argument  
6 on the other causes of action pled in his complaint. Therefore, this court is unable conclude that  
7 plaintiff enjoys a likelihood of success on the merits of his claim.

8 Accordingly,

9 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiff's motion for a  
10 temporary restraining order (doc. #2) be, and the same hereby is, DENIED.

11 DATED September 22, 2011.

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14 UNITED STATES DISTRICT JUDGE